



U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

# Memorandum

Subject: **ACTION**: Amendment to 49 USC 44704(a) Type  
Certificates, Limited Exception

Date: August 11, 2005

From: Manager, Production and Airworthiness  
Division, AIR-200

Reply to: Frank P. Paskiewicz  
Attn. of: 202-267-8361

To: All Aircraft Certification Directorates  
All Manufacturing Inspection Offices, District/Satellite  
Offices, and Certificate Management Offices/Units  
All Flight Standard Divisions  
All Flight Standards District Offices  
All Manufacturing and Maintenance Designees

The Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users was signed into law August 10, 2005. This Act amends 49 USC 44704(a) Type certificates by adding a limited exception paragraph. This new paragraph, Section 44704(a)(4) LIMITATION FOR AIRCRAFT MANUFACTURED BEFORE AUGUST 5, 2004 states:

“Paragraph (3) shall not apply to a person who began the manufacture of an aircraft before August 5, 2004, and who demonstrates to the satisfaction of the Administrator that such manufacture began before August 5, 2004, if the name of the holder of the type certificate for the aircraft does not appear on the airworthiness certificate or identification plate of the aircraft. The holder of the type certificate for the aircraft shall not be responsible for the continued airworthiness of the aircraft. A person may invoke the exception provided by this paragraph with regard to the manufacture of only one aircraft.”

This amendment is applicable to individual applicants that began to manufacture, prior to August 5, 2004, a new aircraft under § 21.183(d) Other aircraft. If you are presented with an application for a Standard Airworthiness Certificate for a new aircraft under § 21.183(d), and it was manufactured to a type certificate (TC) without the TC holder’s permission, it may be eligible for this one time, one aircraft only exception.

All Aviation Safety (AVS) personnel and AVS designees, when presented with an application requesting this exception, are to contact their Division Manager, Directorate Manager, or Managing Office, and the Production and Airworthiness Division Manager (AIR-200) for approval to proceed. Sufficient evidence must be provided to demonstrate that the aircraft manufacturing began prior to August 5, 2004. If an application is approved to proceed, the Standard Airworthiness Certification procedures outlined in FAA Order 8130.2, paragraph 63, will be followed.

Questions pertaining to this memorandum should be directed to AIR-200 at 202-267-8361.

/s/

Frank P. Paskiewicz